

David E. Hardin (0066415)  
Attorney for Plaintiff

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

KATHY GORDON-JACKSON,	:	CASE NO. : C-1-00-813
Plaintiff,	:	Judge Dlott
	:	Magistrate Judge Hogan
vs.	:	
CITY OF CINCINNATI, et. al.	:	<b>PLAINTIFF'S MEMORANDUM IN</b>
	:	<b>OPPOSITION TO DEFENDANT'S</b>
Defendants.	:	<b>MOTION FOR EXTENSION OF TIME</b>

\* \* \* \* \*

Now comes the Plaintiff, by and through counsel, and hereby submits her opposition to Defendant's Motion for Extension of Time entered in this matter on December 9, 2004.

Plaintiff filed a second Motion to Enforce Settlement and to Access costs on November 19, 2004. Defendant was served with this Motion on November 19, 2004. The Plaintiff's Motion was filed more than two (2) years after the date of execution of the Settlement Agreement and nearly six (6) months after Defendant partially performed on the Agreement by transferring Plaintiff to a lateral position consistent with the October 9, 2002 agreement.

Plaintiff has made several phone calls, sent repeated correspondences and has now filed three (3) separate Motions to Enforce. Despite the voluminous attention given to this matter by Plaintiff, the ambivalence shown by the Defendant to abide by the terms of the October 9, 2002 Settlement Agreement, and the numerous representations that the settlement monies were forthcoming, nothing has been received nor has Plaintiff been informed of a date for receipt.

Now, more than twenty-six (26) months after the execution of the Agreement and after its time as run to file a response under the Local rules, Defendant is requesting an extension to file a response.

Too much time has passed already. Justice requires an expeditious resolution to this Motion to Enforce.

Based on the above, Plaintiff respectfully requests this Court to deny Defendant's Motion for Extension of time.

Respectfully Submitted,

/s/ David E. Hardin

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#### **NOTICE OF HEARING**

A Hearing on the above Motion and Motion to enforce Settlement has been scheduled for the \_\_\_\_ day of \_\_\_\_, 200\_ before the honorable Magistrate Judge Timothy Hogan at the United States District Court, Potter Stewart Federal Courthouse, Cincinnati, Ohio.

/s/ David E. Hardin

David E. Hardin (0066415)  
Attorney for Plaintiff Kathy Gordon-Jackson

#### **CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing Motion for Sanctions has been served upon Tom Harris, Assistant City Solicitor, Room 214, City Hall, 801 Plum Street, Cincinnati, Ohio 45202, by the Court's electronic mail program, this 15th day of December, 2004.

/s/ David E. Hardin

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